

PATENT**REMARKS****Objection of Claim 35**

In response to the objection of claim 35 because of informalities, the following amendment has been made: line 7, ~~at~~ has been inserted between "a" and "delay time". It is respectfully submitted that the objection to claim 35 be withdrawn.

Rejection of Claims 30-33, 35, 36, and 39-42 under 35 U.S.C. §103(a) as being unpatentable over U.S. Patent No. 6,058,328 to Levine et al. in view of Liu et al., Mintereggi et al. and Cecchi et al. and Rejection of claim 38 under 35 U.S.C. §103(a) as being unpatentable over U.S. Patent No. 6,058,328 to Levine et al. in view of Stafford et al.

Without addressing the merits of the rejection of these claims, in accordance with the American Inventors Protection Act, the Levine et al. reference does not qualify as prior art for a rejection under 35 U.S.C. §103(a) via 35 U.S.C. §102(e) because the present application has been filed on or after November 29, 1999 and the subject matter of the Levine et al. reference and claims 30-33, 35, 36, and 38-42 were, at the time the invention was made, subject to an obligation of assignment to the same organization (see section entitled "Obligation of Assignment to the Same Organization"). Accordingly, the Levine et al. reference no longer qualifies as prior art under 35 USC §103(a) via 35 U.S.C. §102(e).

Accordingly, it is respectfully submitted that claims 30-33 and 35-42 are in condition for allowance.

PATENT**Obligation of Assignment to the Same Organization**

Ronald Tamura, an attorney of record for the present application, states that Application Serial Number 09/931,481 and U.S. Patent Number 6,058,328 to Levine et al. were, at the time the invention of Application Serial Number 09/931,481 was made, owned by Pacesetter, Inc. or subject to an obligation of assignment to Pacesetter, Inc.

CONCLUSION

In light of the above amendments and remarks, it is respectfully submitted that the application is in condition for allowance, and an early notice of allowance is requested.

Respectfully submitted,

8/30/05

Date

Ronald S. Tamura

Ronald S. Tamura, Reg. No. 43,179
Patent Attorney for Applicants

CUSTOMER NUMBER: 36802